

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SIKHS FOR JUSTICE, et al.,

Case No.: 10-cv-02940
Hon. Robert W. Sweet

Plaintiffs,

-against-

KAMAL NATH, et al.,

Defendant.

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DECLARATION OF SUSHIL MALHOTRA

SUSHIL MALHOTRA, declares under penalty of perjury under the laws of the United States of America, as follows:

1. For approximately 30 years, I have known the current Union Minister for Urban Development for the Republic of India, Mr. Kamal Nath (hereinafter "Minister Nath").

2. On April 6, 2010, I attended a function at the Indian Consulate, located at 3 East 64th Street, New York, New York 10065 (hereinafter the "Consulate"), where Minister Nath delivered a lecture. The lecture was preceded by a press conference at the Consulate and was followed by a dinner hosted by the Consul General of the Consulate, Mr. Prabhu Dayal (hereinafter the "Consul General").

3. I submit this declaration in support of Minister Nath's motions to dismiss the complaint for failure to serve in the above-entitled action. The information contained herein is based on my personal knowledge gained at the Consulate on April 6, 2010.

4. I arrived at the Consulate between 6:00 p.m. and 6:15 p.m. on April 6, 2010. I waited outside of the Consulate for Minister Nath, who subsequently arrived at approximately 6:30 p.m. in a chauffeur-driven car. The chauffeur pulled up to the curb

directly in front of the Consulate at approximately 6:30 p.m. Upon arrival, Minister Nath exited the car with his then Officer on Special Duty, Khalid Bin Jamal (hereinafter "Jamal"), and the chauffeur remained inside the car.

5. Consul General Dayal, the Head of Chancery of the Consulate (hereinafter the "HOC"), and I, received Minister Nath and Jamal at the curb directly in front of the Consulate. From the time Minister Nath and Jamal exited the car, it took Minister Nath, Jamal, the Consul General, the HOC, and me, a few seconds to enter the Consulate. During this short walk, from the car to the Consulate, I was immediately next to Minister Nath, and nobody approached Minister Nath (other than those who had received Minister Nath), or handed anything to him. Because of my proximity to Minister Nath during this very short walk, I would have seen anyone who approached Minister Nath or handed anything to him.

6. Minister Nath was at the Consulate for approximately 2 hours and left at approximately 8:30 p.m. The Consul General, the HOC, Jamal, and I, accompanied Minister Nath from the Consulate to his car. From the time we exited the Consulate, it took Minister Nath, Jamal, the Consul General, the HOC, and me, a few seconds to reach the car, which was parked directly in front of the Consulate. During this short walk, from the Consulate to the car, I was immediately next to Minister Nath, and nobody approached Minister Nath (other than those who had exited the Consulate with Minister Nath), or handed anything to him. Because of my proximity to Minister Nath during this very short walk, I would have seen anyone who approached Minister Nath or handed anything to him.

7. Immediately prior to entering the car, Minister Nath and I engaged in a short conversation. That conversation lasted about a minute or so. During this conversation, nobody handed anything to Minister Nath. As soon as the conversation between Minister Nath and me concluded, Minister Nath entered the car and was driven off to his next engagement.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: ~~WESTCHESTER~~ New York
June 4th, 2011

A handwritten signature in black ink, appearing to read 'Sushil Malhotra', is written over a horizontal line.

Sushil Malhotra